

FEDERAL COMMUNICATIONS COMMISSION



The Equal Employment Opportunity Program Status Report (EEOC MD-715 Report)

For

FISCAL YEAR 2015

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I. Introduction

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2015 outlines the Federal Communications Commission's (FCC or Commission) Equal Employment Opportunity (EEO) program activities, as required by the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715). This report highlights the FCC's accomplishments in establishing and maintaining a model EEO Program by promoting equal opportunity for all of our employees and applicants, and identifying areas for improvement. It also provides the objectives for FY 2016 and beyond.

II. The Mission of the Federal Communications Commission

The FCC is an independent U.S. Government Agency with primary authority for communications law, regulation and technological innovation. The FCC regulates interstate and international communications by radio, television, wire, satellite and cable in all fifty states, the District of Columbia and the U.S. territories. As the FCC faces economic opportunities and challenges associated with rapidly evolving advances in global communications, the FCC seeks to:

- Promote Economic Growth and National Leadership;
- Protect Public Interest Goals;
- Make Networks Work for Everyone; and
- Promote Operational Excellence.

III. The Mission of the Office of Workplace Diversity

The Office of Workplace Diversity (OWD or Office) is responsible for developing and administering the Commission's policies, programs, and practices to foster a diverse workplace and promote and ensure EEO for all employees and applicants for employment. Additionally, the Office is responsible for conducting independent analyses of the Commission's policies and practices to ensure that those policies and practices foster diversity in the workplace and ensure equal opportunity and equal treatment for employees and applicants. Moreover, the Office advises the Commission, Bureaus, and Offices of their responsibilities under Title VII of the Civil Rights Act of 1964, as amended; Section 501 of the Rehabilitation Act of 1973, as amended; the Age Discrimination in Employment Act of 1967, as amended; Executive Order 11478; and all other statutes, Executive Orders, and regulatory provisions relating to workplace diversity, equal employment opportunity, nondiscrimination, and civil rights.

IV. Model Agency Elements

The MD-715 has six essential elements that agencies use to assess the health of their EEO programs and assist in developing and maintaining a model EEO program. The FCC's accomplishments under each element are listed below:

A. Essential Element A: Demonstrated Commitment from Agency Leadership

- Chairman Wheeler issued a new EEO Policy Statement and a new Anti-Harassment Policy Statement on August 5, 2015.
- Published EEO and Anti-Harassment policy statements on the intranet, internet and in high-traffic areas.
- Chairman Wheeler continued his initiative to increase the number of employees who have intellectual or developmental disabilities
- Four FCC Commissioners starred in an FCC-specific web-based disability sensitivity training module.
- Managers and supervisors are evaluated on their commitment to the FCC's affirmative employment principles, and EEO and Diversity goals.
- Managers and supervisors ensure the provision of disability accommodations to qualified individuals with disabilities when such accommodations do not create an undue hardship.
- Employees are informed about the behaviors that are inappropriate in the workplace through distribution of the policy statements (intranet, internet, high-traffic areas) and the Basic Negotiated Agreement (intranet, and individual copies to employees).
- The OWD staff meets with managers and supervisors to discuss EEO laws, policies procedures, as well as laws, policies and procedures affecting individuals with disabilities.
- The Learning and Development Service Center (LDSC) staff developed an online New Employee Orientation portal for new employees to learn about the FCC, the rights, responsibilities and benefits of being an employee as well as to complete required new employee documentation.
- Increased the number of collateral-duty EEO Counselors to ensure employees receive counselling at the earliest opportunity.

B. Essential Element B: Integration of EEO into the Agency's Strategic Mission

- OWD Acting Director is under direct supervision of Agency Head.
- During FY 2015, the FCC continued to recognize, through its FCC Diversity Series, the Martin Luther King, Jr. Holiday, Black History Month, Women's History Month, Asian American Pacific Islander Heritage Month, Hispanic Heritage Month, and Women's Equality Day.
- OWD has sufficient funding to train staff to perform their duties.
- FCC Published its "Plan to Increase Employment of People with Disabilities.

C. Essential Element C: Management and Program Accountability

- OWD Acting Director provides regular EEO updates to the Chairman's Office.
- The Training Working Group (TWG) developed nine recommendations for improving the FCC's training and professional development opportunities.

- The LDSC developed a mentorship program featuring speed mentoring to allow employees to meet and receive mentoring from numerous senior employees.

D. Essential Element D: Proactive Prevention

- OWD Acting Director meets with Senior Managers to identify barriers to equal opportunity.
- OWD prepared trend analysis of workforce profiles by race, national origin, gender and disability.
- The FCC prepared trend analysis of the workforce's major occupations, and grade level distribution by race, ethnicity, gender and disability.
- FCC developed and launched a unique FCC-specific web-based disability-awareness training module featuring contributions from the Chairman, several Commissioners and employees with disabilities.
- The TWG offered recommendations to improve the FCC's training and professional development opportunities.

E. Essential Element E: Efficiency

- OWD staff working with the IT staff began development and deployment of an online complaint filing and tracking system.
- OWD hired five new collateral-duty counselors who received the required 32-hour new counselor training.
- The new collateral-duty counselors participated in additional mock training exercises before receiving their first cases to ensure professional, knowledgeable and efficient counselling of employees.
- Experienced collateral-duty counselors were offered the required 8-hour counselor training.

F. Essential Element F: Responsiveness and Legal Compliance

- OWD timely complies with orders and directives of the EEOC.
- The Office of the General Counsel timely complies with orders and directives of the EEOC.

V. Workforce Profile

A. Results of the FCC's Annual Self-Assessment

The Commission's FY 2016 total workforce was comprised of 1,688 employees, a 2.31% decrease from the prior year total of 1,728 (40 fewer employees). The participation rates of males and females remained the same, 49.59% for males and 50.41% for females (See Figure 2). The distribution of the FY 2015 FCC workforce by Race/National Origin (RNO), Gender, and Reported Disability was as follows (See Figures 1 and 3):

- Hispanic or Latino males 1.95% (33)
- Hispanic or Latino females 1.36% (23)

- White males 34.72% (586)
- White females 25.06% (423)
- Black or African American males 7.94% (134)
- Black or African American females 20.32% (343)
- Asian males 4.68% (79)
- Asian females 3.38% (57)
- Native Hawaiian or Other Pacific Islander males 0% (0)
- Native Hawaiian or Other Pacific Islander females 0% (0)
- American Indian/Alaska Native males 0.24% (4)
- American Indian/Alaska Native females 0.18% (3)
- Two or More Races males 0.06% (1)
- Two or More Races females 0.12% (2)
- Reported Disability 5.81% (98)¹
- Targeted Disability² 1.48% (25)

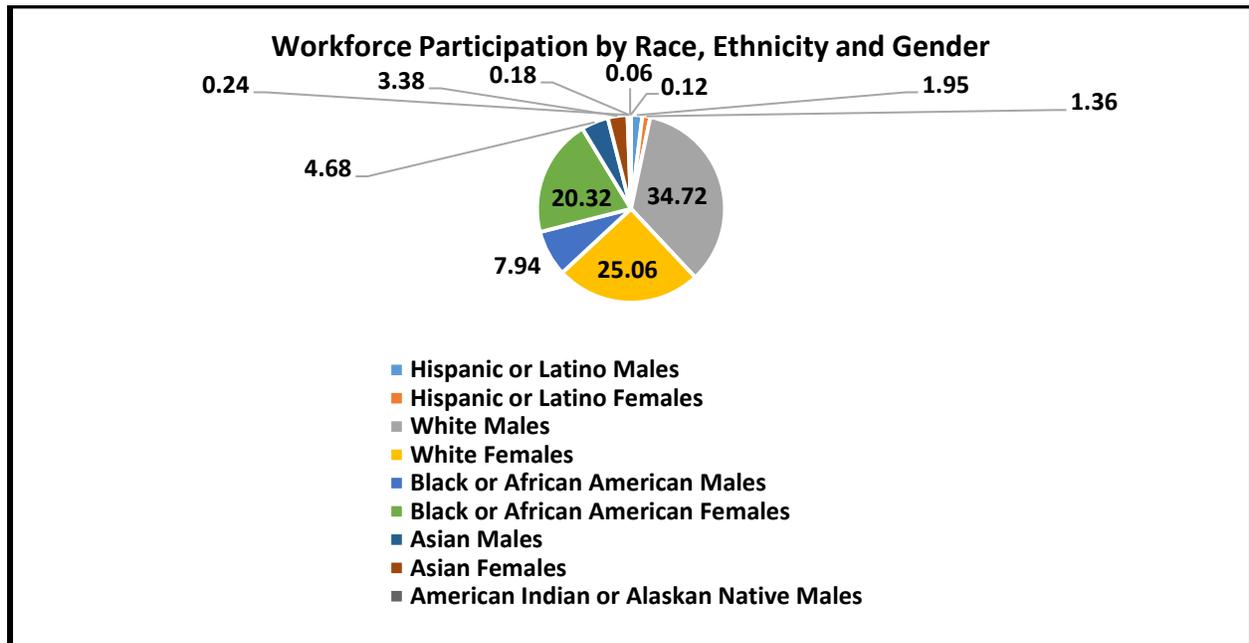


Figure 1

¹ This number includes Persons with Targeted Disabilities.

² Targeted disabilities are those disabilities that the federal government, as a matter of policy, has identified for special emphasis. The targeted disabilities listed on the MD-715 Tables are: hearing, vision, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disability, psychiatric disability, and dwarfism.

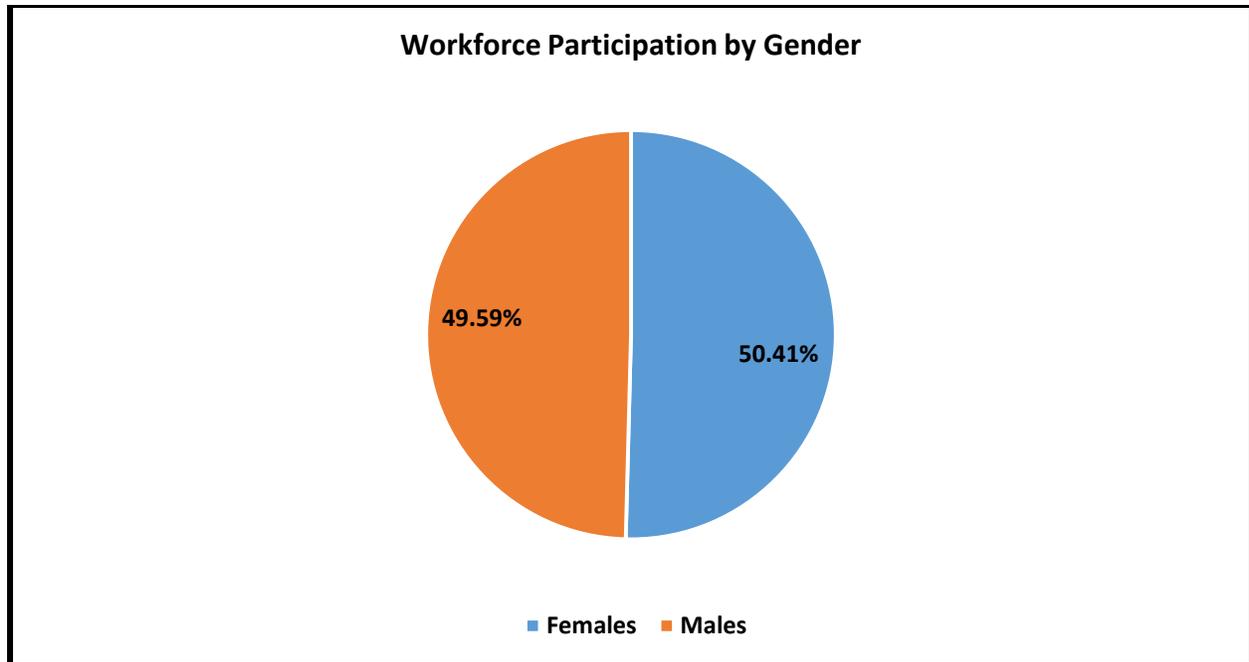


Figure 2

B. Employment of Individuals with Disabilities

In FY 2015, the FCC continued its initiative to hire people with intellectual and developmental disabilities. Specifically, the FCC took its efforts on the road as the FCC staff met with other federal government agencies, FCC reporting entities and FCC contractors to identify and expand awareness and actual hiring of people with intellectual and developmental disabilities. This effort included discussions with FCC contractors regarding the Department of Labor’s (DOL) Section 503 regulations and development of compliance and procurement plans for FCC Contractors in support of the DOL guidance on hiring people with disabilities. Additionally, the FCC has added a clause to all of the FCC’s new procurement actions designed to promote and increase the hiring of people with disabilities. In connection with this hiring initiative, the FCC developed and launched an FCC-specific web-based disability-awareness training module and hosted public disability awareness discussions. In addition to the initiative to hire people with intellectual and developmental disabilities, the Commission increased its staffing of persons with disabilities through new hires, contracting and details from other agencies. In light of the success of the Chairman’s Initiative, the FCC hired five individuals through its Schedule A Authority resulting in an increase of total employees with a disability from 5.50% to 5.81%. This increase is notable because the FCC was able to increase the number of employees with a disability even as it reduced its total number of employees by forty persons. Finally, the FCC published its “Plan to Increase Employment of People with Disabilities.”

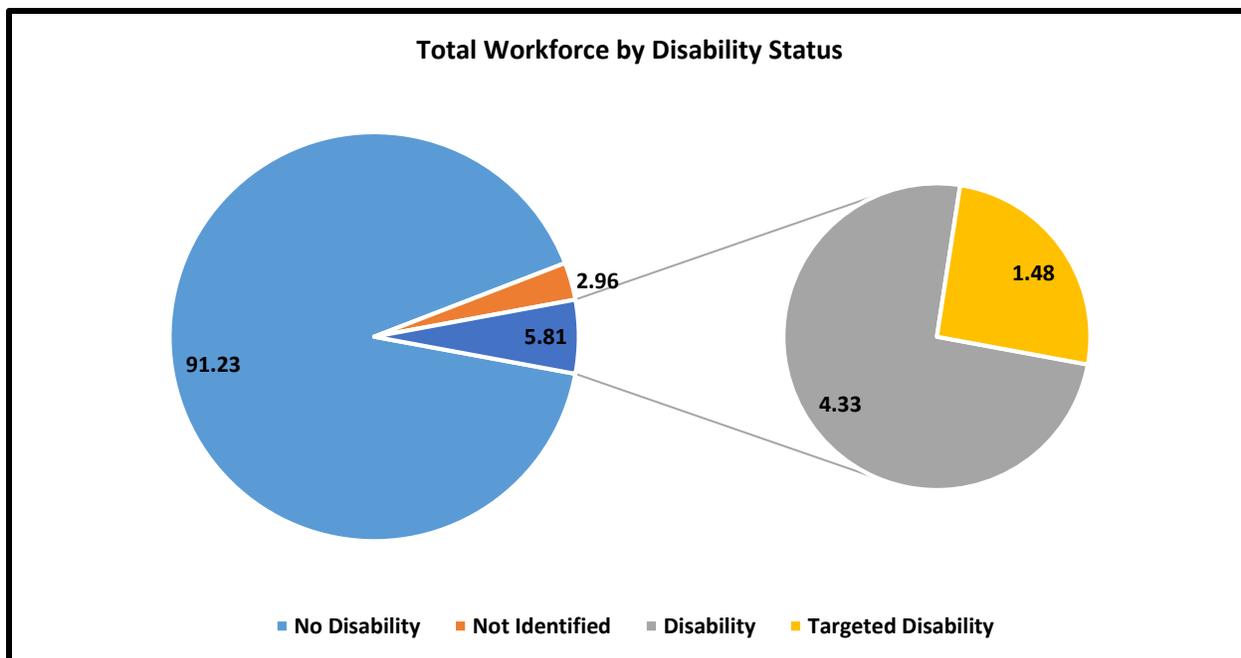


Figure 3

C. *Hires and Separations*

On the hiring front, the FCC does well in attracting employees from most racial and ethnic groups. Notably, the participation rates of African American or Black males and females and Asian American males and females exceeds the national civilian labor force (CLF)³ percentages. In contrast, the participation rates for Hispanic or Latino males and females in the total workforce are low when compared with the CLF.⁴ Additionally, the separation rate (21.60%) for Black or African American females exceeds the new hire rate (14.16%).

Persons with Disabilities comprise 5.81% of the FCC's total workforce, while Persons with Targeted Disabilities comprise 1.48% of the FCC's total workforce. For FY 2015, the FCC's new hire rate for Persons with Disabilities was 12.39% and the new hire rate for Persons with Targeted Disabilities was 5.31%. The separation rate for Persons with Targeted Disabilities at 1.64% was significantly lower than the new hire rate at 5.31%. Clearly, the FCC is hiring Persons with Disabilities at a much higher rate than Persons with Disabilities are leaving the FCC workforce. Because there is no CLF category for Persons with Targeted Disabilities, the FCC uses the inclusion rate to assess the progress it is making towards the hiring of Persons with Targeted Disabilities. The Inclusion Rate of 24.00% for Persons with Targeted Disabilities is higher than the Persons without Targeted

³ The identification of groups who have a low participation rate is a measurement gauge and does not constitute or promote using quotas or preferences for selection. As always, the best qualified applicants are selected.

⁴ The reasons for the low participation rates of Hispanic or Latino males and females and the high separation rates of African American or Black females and Asian males are not readily apparent. Accordingly, the FCC will examine its policies and procedures to see if there are any systemic barriers that are fostering these rates.

Disabilities Inclusion Rate of 6.43% with regards to hiring of employees. Similarly, the Persons with Targeted Disabilities Inclusion Rate at 8.00% is higher than the Persons without Targeted Disabilities Inclusion Rate of 7.40% with regards to the separation of employees.⁵

D. Employment in Mission Critical Occupations

The FCC has three mission critical occupations: attorneys, economists and engineers. With regard to the mission critical occupations of attorneys and engineers, the FCC has a diverse staff as the participation rates of females, American Indian or Alaska Native males and females, Asian males and females, Black or African American males and females and Hispanic or Latino males and females compare favorably to their CLF participation rates (See Figures 4, 5, 8 and 9). Although more work is required to improve the participation rates of Hispanic or Latino males and females in the mission critical occupation of Economists, the FCC has solid participation rates for the remaining racial/ethnic groups in this series when compared with the CLF (See Figures 6 and 7). Notably, the participation rate for Hispanic or Latino males remained steady in the Attorney Series and the Engineer Series (See Figures 5 and 8).⁶ Additionally, the FCC is doing very well with regards to the employment (inclusion rate) of Persons with Targeted Disabilities in the Attorney field (54.55%), while more work is required in the Economist (0.00%) and Engineer (4.55%) fields (See Figure 10).

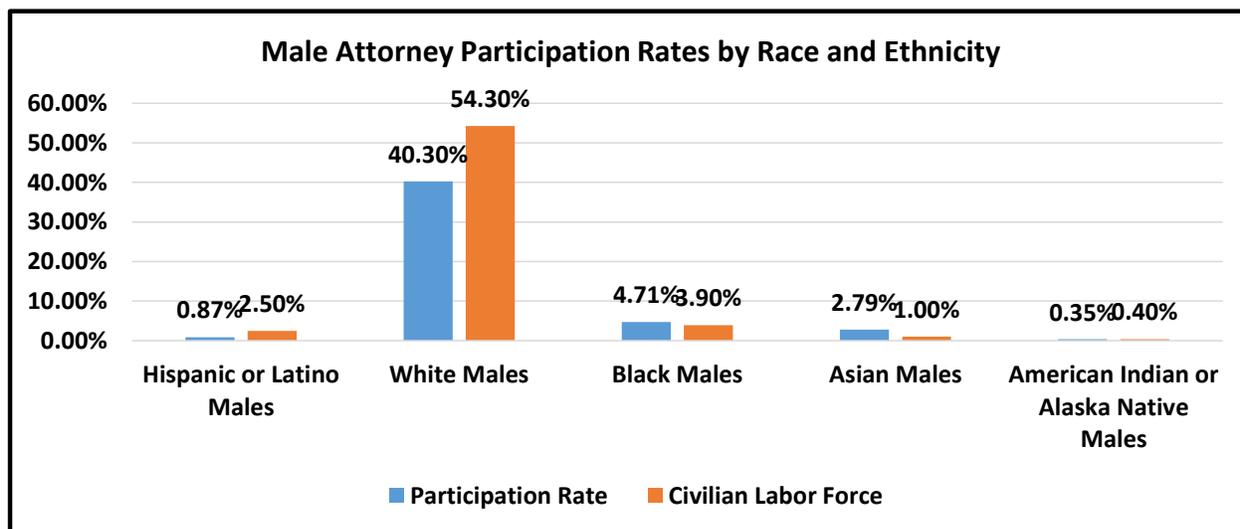


Figure 4

⁵ Although not part of the permanent workforce, the FCC also hired several interns with disabilities from the George Mason LIFE program.

⁶ Figures 4, 6 and 8 reflect the participation rates of males in the Mission Critical Occupations while Figures 5, 7, and 9 reflect the participation rates of females in the Mission Critical Occupations.

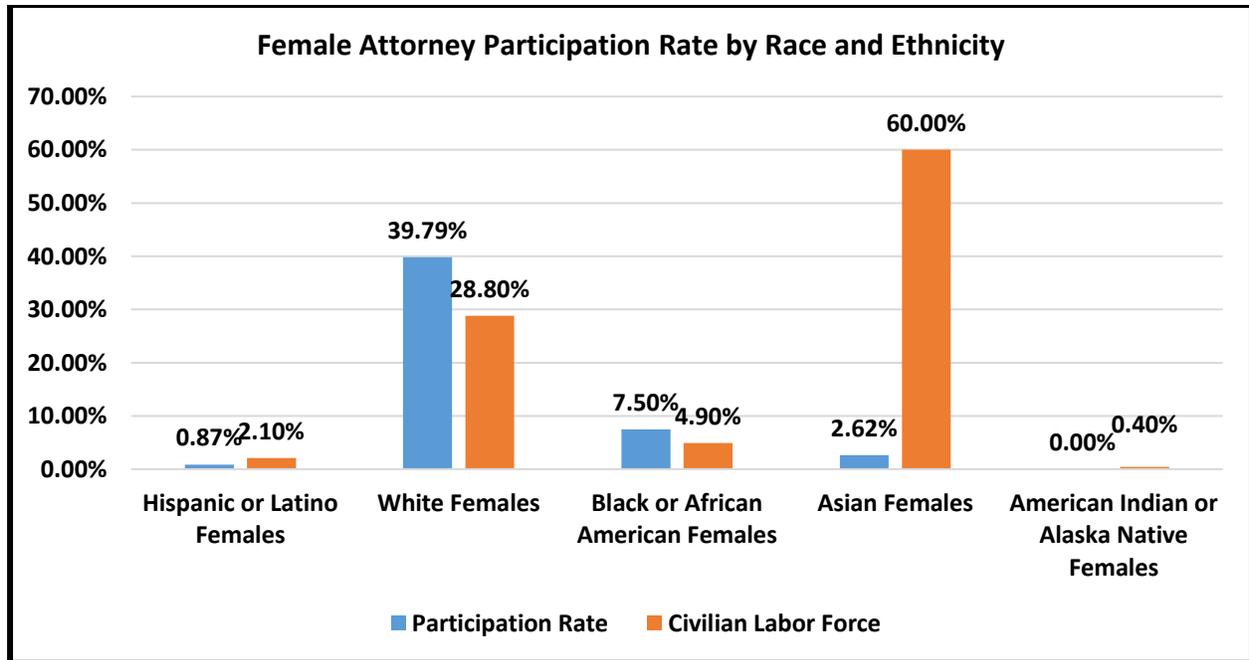


Figure 5

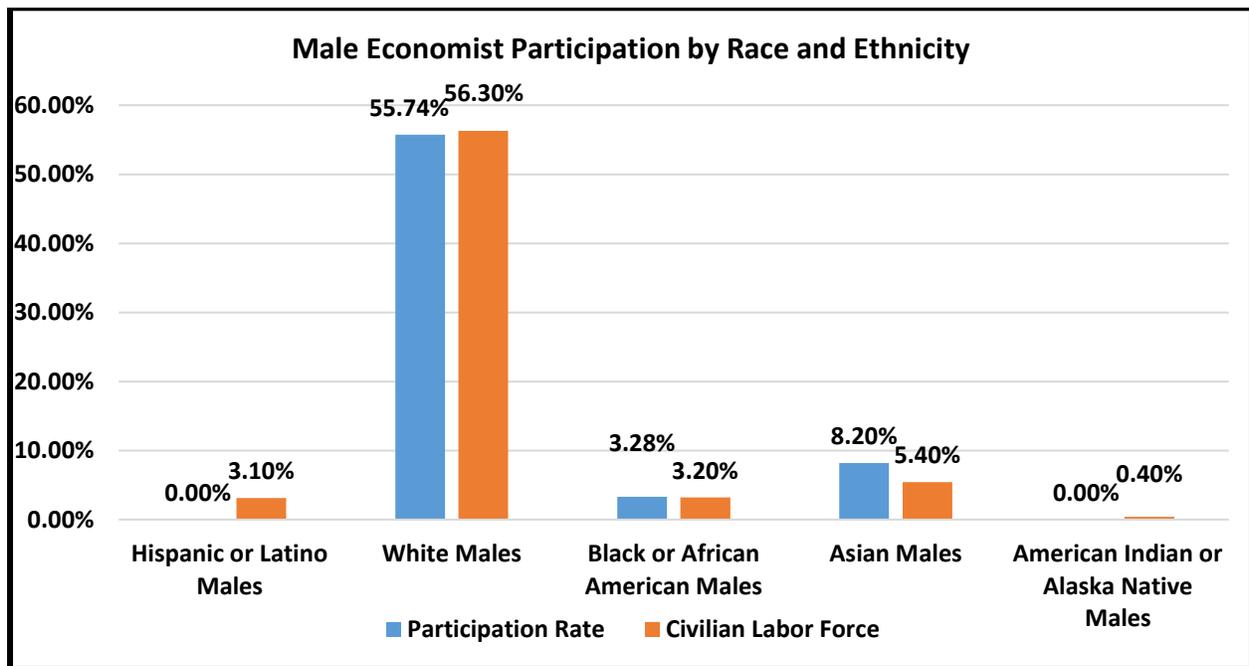


Figure 6

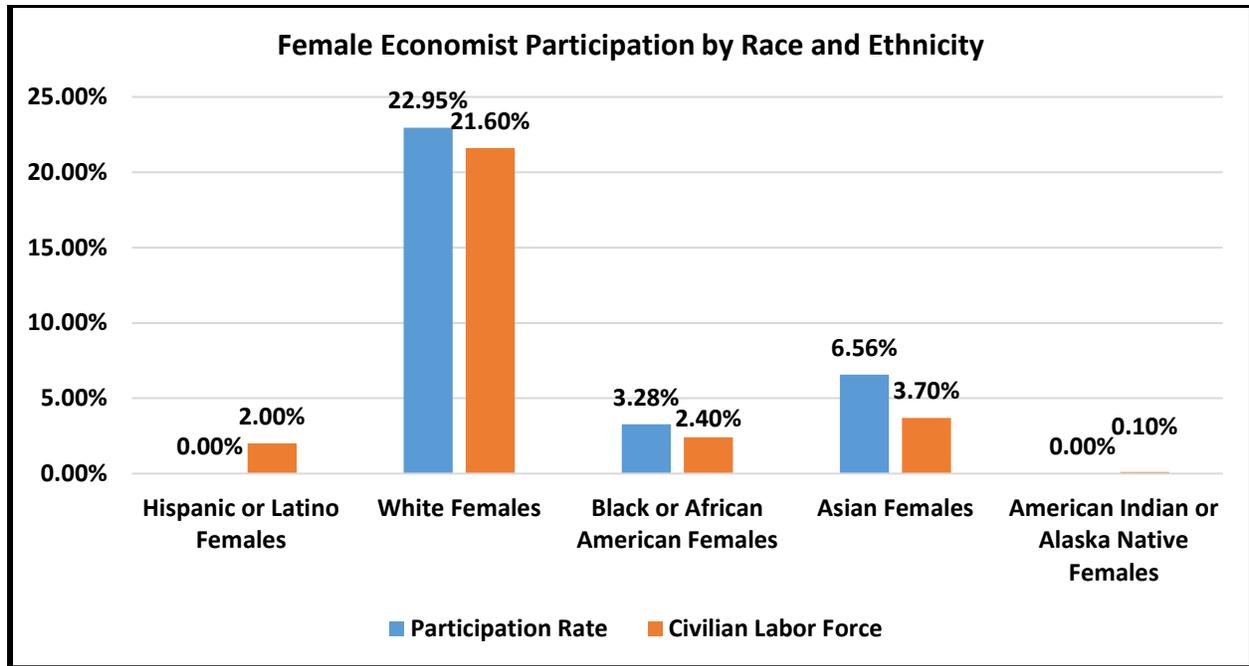


Figure 7

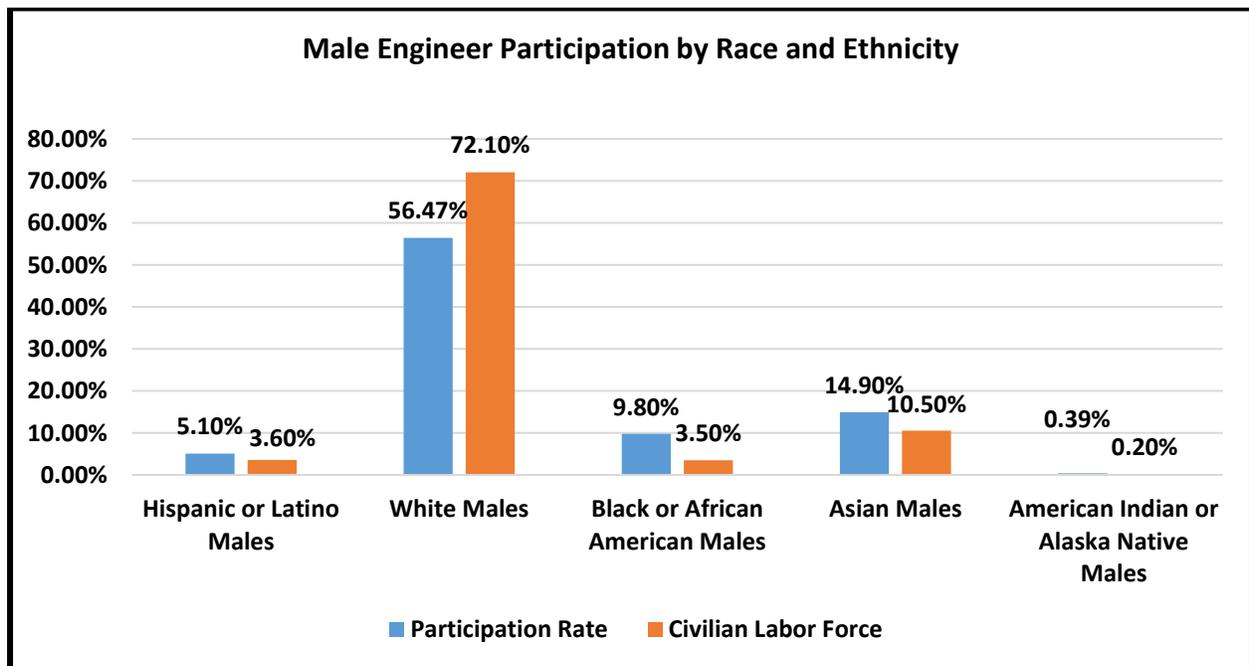


Figure 8

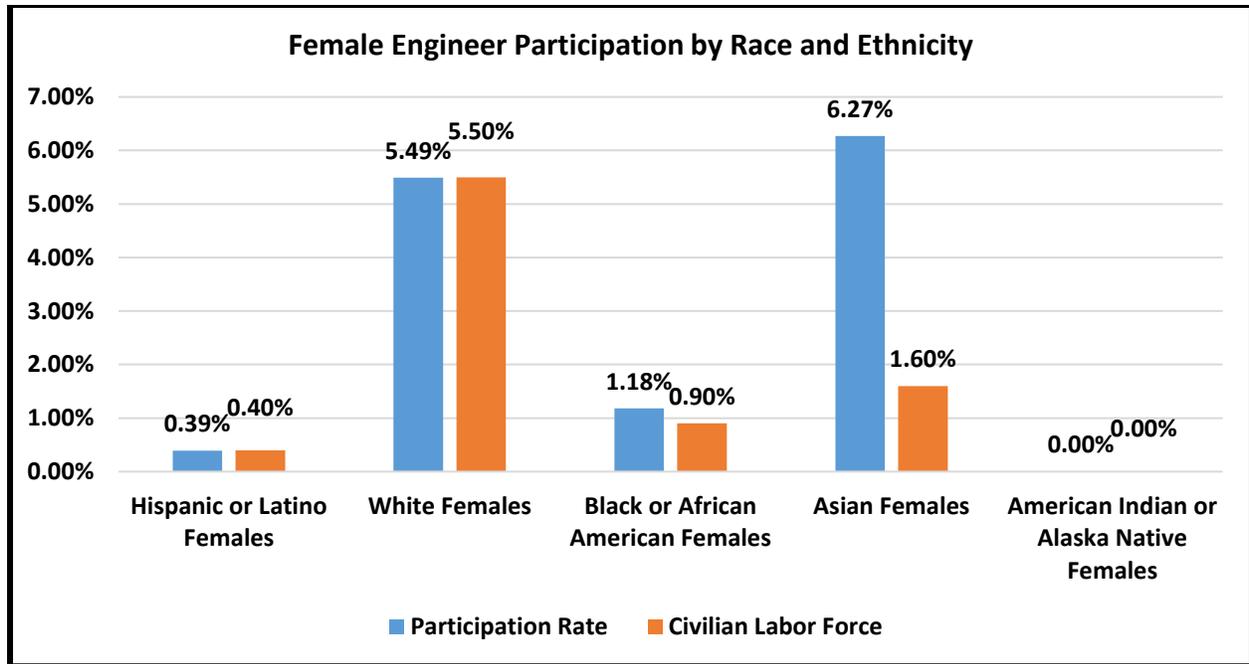


Figure 9

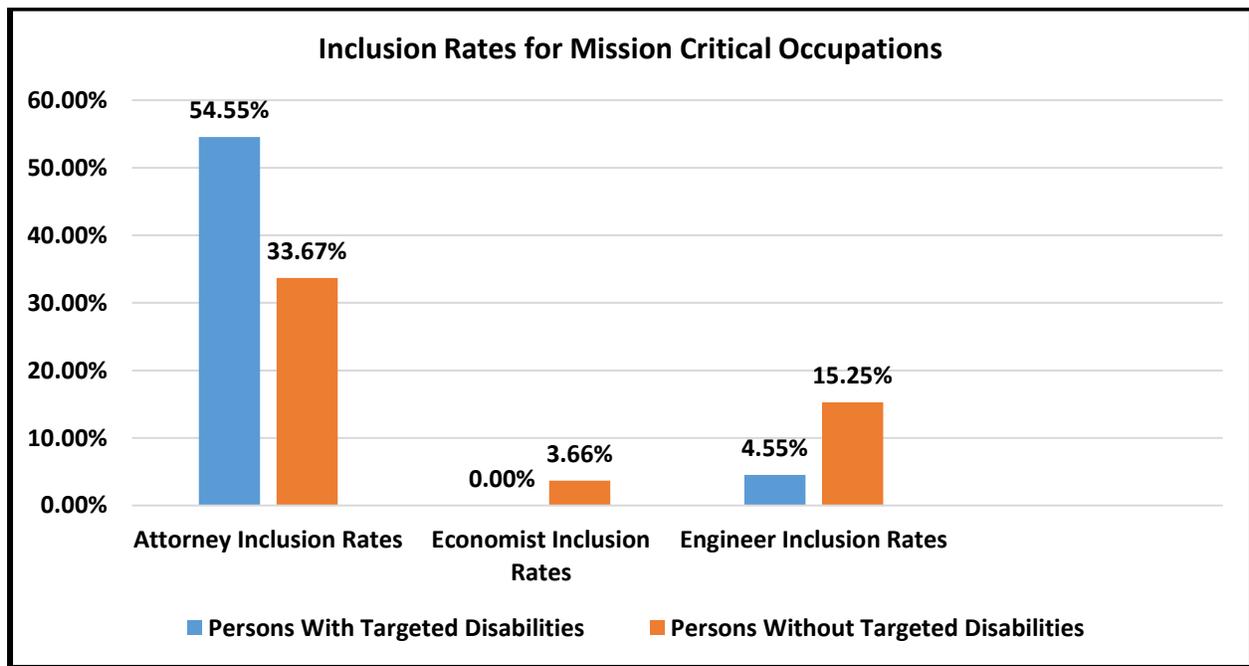


Figure 10

E. Employment of High Grade Employees

Generally, high grade employees at the FCC are comprised of employees who occupy GS-15 and above positions. Males hold 60.82% of these positions, while females hold 39.18% of these positions (*See* Figure 11). Overall, women represent over 50% of the workforce, but only 39.18% of

the high grade positions. Black females represent 20.32% of the FCC workforce, but only 6.90% of the high grade positions. Persons with Targeted Disabilities represent 1.30% of the FCC workforce, but 0.94% of the employees at the GS-15 and above levels. Conversely, Persons without Disabilities represent 91.23% of the workforce and 89.66% of the employees at the GS-15 and above positions. Moreover, Persons with Targeted Disabilities have a lower inclusion rate of 12.00% than Persons without Targeted Disabilities who have an inclusion rate of 19.00%. The representation of Hispanic or Latino males and females, Asian males and females and American Indian or Alaska Native males and females in the high grades is comparable to their representation in the FCC's workforce⁷ (See Figures 12 and 13). Conversely, the representation of White males in the high grades is 60.82% while their representation in the FCC's workforce is 49.59%. When comparing the FCC workforce with the CLF, White females and Hispanic or Latino males and females have low participation rates. Thus, White females and Hispanic or Latino males and females have low participation rates when comparing their participation rates with both national workforce statistics and FCC workforce statistics.

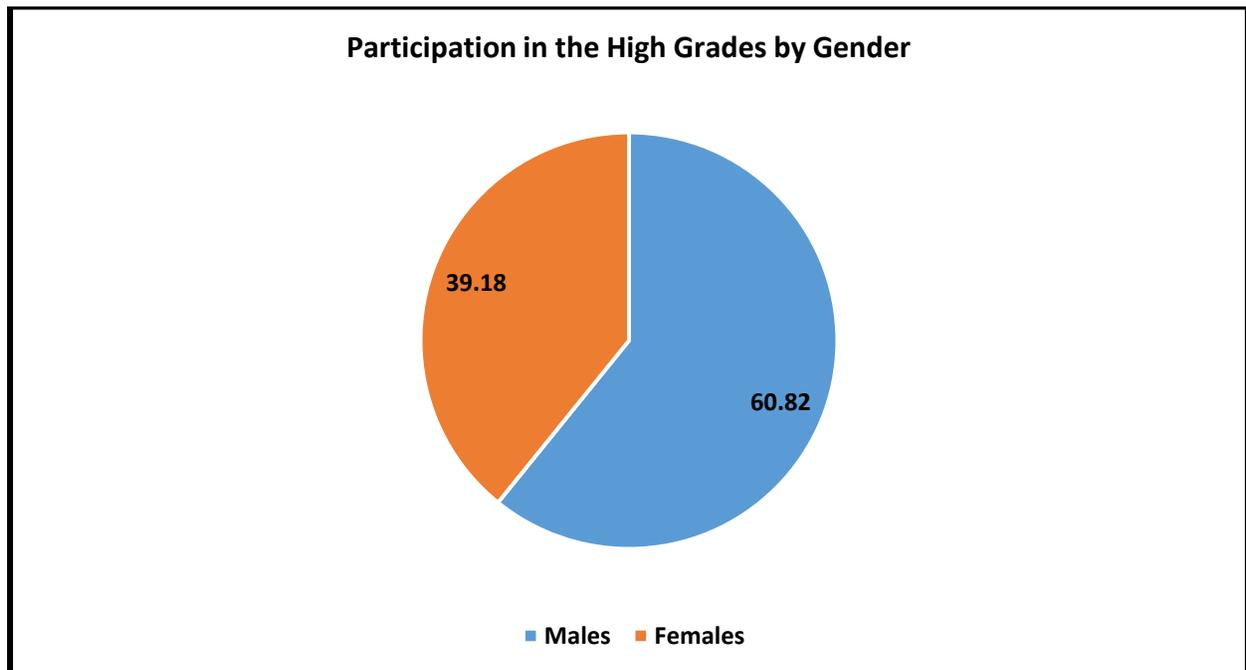


Figure 11

⁷ Although the representation is comparable, it must be noted that the representation of Hispanic or Latino males and females is below the CLF, whereas the representation of Asian males and females and American Indian or Alaska Native males and females is comparable to the CLF.

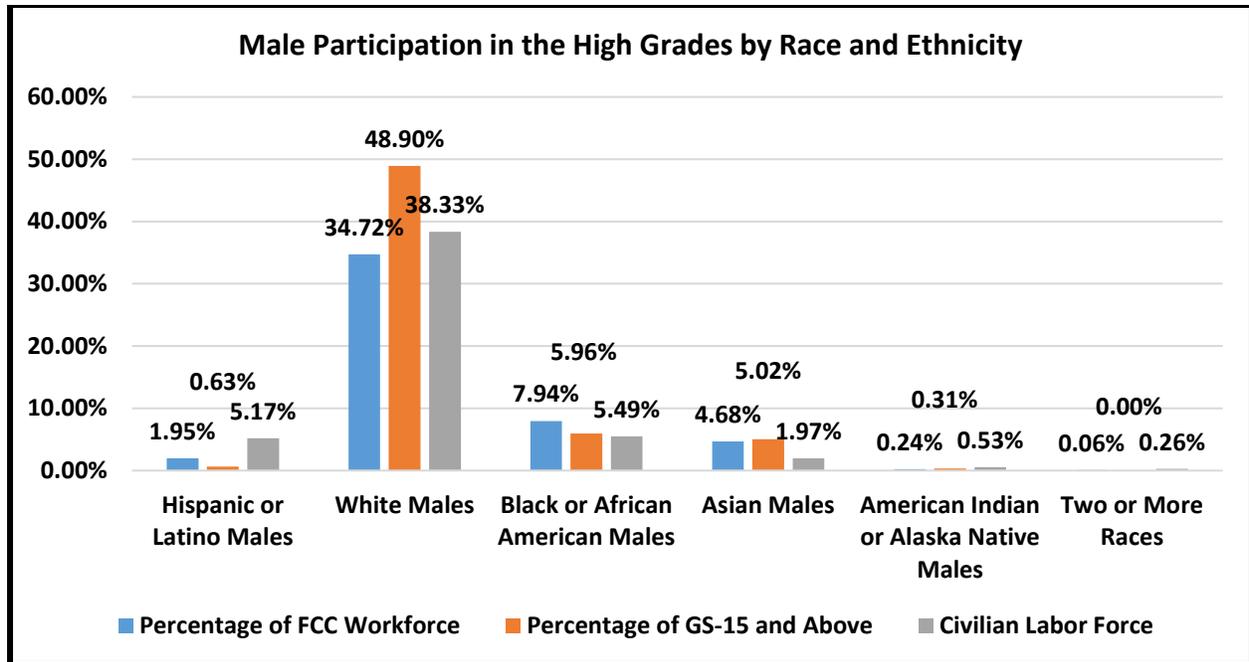


Figure 12

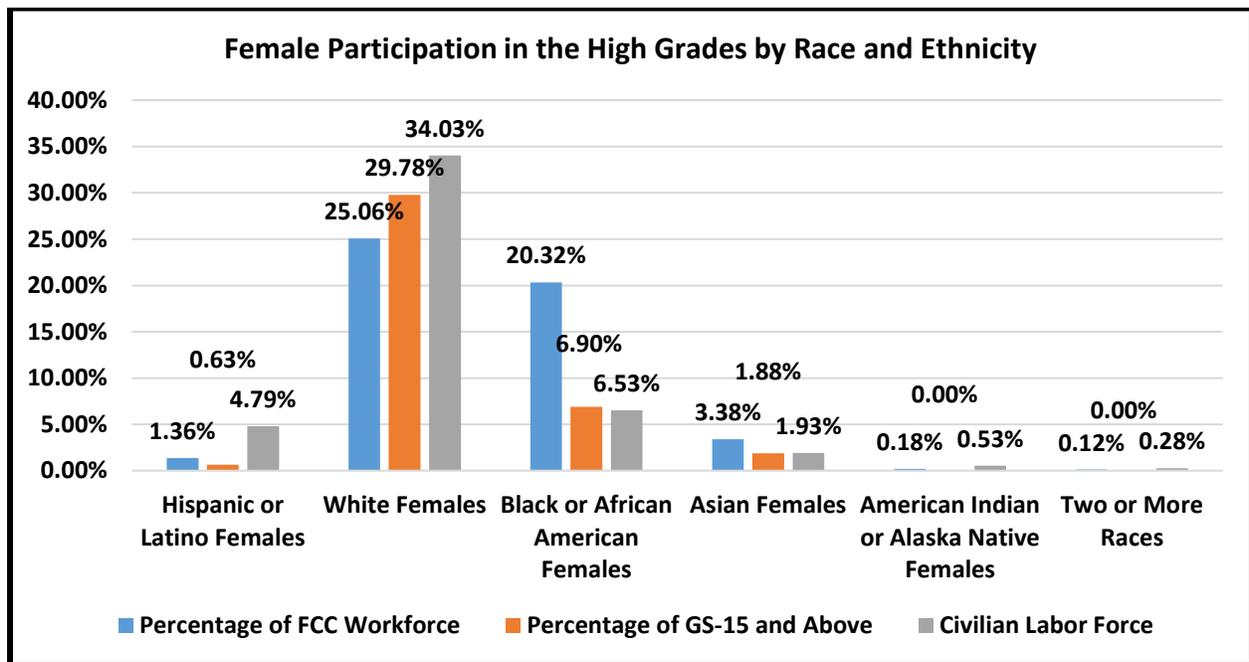


Figure 13

VI. Career Development Opportunities

In September 2014, as part of the FCC’s Process Reform Initiative, the FCC established a Training Working Group (TWG) to develop recommendations for improving the FCC’s training and

professional development opportunities. The TWG completed its report in November of 2015 with nine recommendations:

- Ensure that agency leadership demonstrates the mission-critical nature of training;
- Designate an official Training Point of Contact in each Bureau or Office;
- Make better use of technology, including webinars, recorded training, and Web-based training;
- Reinstate the Individual Development Plan as an option for all employees;
- Create syllabi for “learning tracks” to facilitate focused, customized development;
- Schedule a standing brown bag one to two weeks after each Commission meeting with major agenda items, or other significant actions during the prior month;
- Offer group mentoring for supervisors and non-supervisors;
- Explore establishing a leadership program for future managers; and
- Explore developing a Knowledge Sharing Program that would allow staff to learn about other jobs and “cross train” through personnel exchanges.

In addition to the recommendations of the TWG, the Learning and Development Service Center (LDSC) implemented a number of actions to assist staff with their training and professional development opportunities. These actions included:

- Increasing the certified coaches by 66%;
- Sending a monthly digest of Federal Communications Commission University (FCCU) training opportunities to employees;
- Creating a Training calendar on Outlook that shows all of the scheduled FCCU classes; and
- Revising new employee orientation as a virtual module that will cover Human Resources, ethics, required training, and paperwork issues. The TWG suggested adding a substantive general overview of the FCC’s work, and provided materials to that end.

Finally, the FCC continued the training of the five employees hired under the Chairman’s Initiative for Employment of People with Intellectual and Developmental Disabilities. The development of these employees resulted in the promotion of four of the five employees to their Full Performance Level in FY 2015.

VII. Complaint Processing

In FY 2015, the OWD received thirteen claims. Of these claims, 81% were counselled within thirty days. Although the OWD offered mediation to each individual, less than 2% availed themselves of this option. The number of formal complaints filed during the fiscal year remained steady at nine complaints. During the period, the average time to complete investigations rose to 220 days.

Supervisors, managers, and employees are encouraged to resolve EEO issues at the lowest level and utilize the FCC’s ADR, Employee Assistance Program, and other workplace conflict resolution

mechanisms. Full participation of agency supervisors and managers is required in the EEO complaint resolution process.

VIII. Diversity Programs

The FCC has a robust program for honoring and recognizing the various groups who make up our nation. During FY 2015, the FCC hosted speakers, theater groups, and dancers for African American - Black History Month, Women's History Month, Asian American - Pacific Islander Heritage Month, Hispanic Heritage Month, and National Disability Employment Awareness Month.⁸ Additionally, the FCC Chairman held a special ceremony to recognize employees who served in the military. The OWD continues to explore other avenues to promote an inclusive workplace.

IX. FY 2016 Objectives

The Commission's principal EEO objectives for FY 2016 and beyond include:

- Releasing its Diversity and Inclusion Plan;
- Identifying measures to increase the participation rates of Hispanic or Latino males and females and individuals with disabilities;
- Identifying and examining reasons for the high separation rates among Black or African American females;
- Identifying and examining reasons for the low participation rates of Hispanic or Latino males and females in the economist field and the low inclusion rates of persons with disabilities in the economist and engineer fields;
- Continuing, whenever possible, to make frequent use of appropriate appointing authorities, i.e., Schedule A Appointment of Persons with Disabilities, Veterans Recruitment Appointment, Veterans Employment Opportunity Act of 1998, the 30 percent Disabled Veterans Department of Defense Workforce Recruitment Program and the Department of Defense War-fighter Internship Program;
- Reviewing FCC personnel policies to ensure that they do not disproportionately impact members of any particular group;
- Publish Disciplinary Policy or Table of Penalties that covers employees found to have committed discrimination;
- Identifying strategies to increase the proportional representation of minorities in the FCC's higher grade positions, GS-15 and above; and
- Expanding education and training of managers, supervisors and employees on reasonable accommodation resources, procedures and requirements.

⁸ Due to the death of the speaker a few days before the National Disability Employment Awareness Month program, the OWD did not schedule another speaker.

X. Conclusion

This report demonstrates that, with the exceptions noted within, the Commission's workforce is proportionally represented when compared with the CLF. The FCC seeks to maintain a highly skilled, diverse workforce in order to accomplish its mission and goals. Through the initiatives outlined in this report, the Commission will continue working to increase the participation rates for all groups in the agency's workforce and promote equal access and opportunity for all employees and applicants for employment.